

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CLAYTON BARNET,

Plaintiff,

v.

**JERRY ACKER, COMMISSARY
MANAGER; DEIDRA M MOCK,
FORMER COMMISSARY MGR;
SHEILA R DAVIS-CAVENESS, ISS II;
O'KEEFE SUPPLY GROUP, INC., BRAD
M LIVINGSTON,**

Defendants.

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§ **CIVIL ACTION NO. 6:18-CV-00379-TH**
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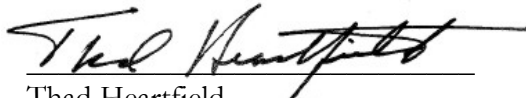
**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Clayton Barnet initiated this civil action on July 27, 2018. (Docket No. 1.) The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation recommending that the case be dismissed without prejudice for failure to obey a court order and failure to prosecute. (Docket No. 8.) On September 24, 2018, the Report and Recommendation was mailed to Plaintiff with an acknowledgment of receipt card. *See* Docket No. 8 and corresponding Staff Notes. The Report and Recommendation informed Plaintiff of his rights to object to the Report and Recommendation within 14 days, and further informed him that a failure to timely object shall bar “that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court.” (Docket No. 8, at 2 (citing *Douglass v. United States Auto. Ass’n*, 79 F.3d 1415,

1430 (5th Cir. 1996)).) Since the service of the Report and Recommendation on September 24, 2018, Plaintiff has not filed objections and the prescribed time period for doing so has passed. Indeed, more than four months have passed and the Court has received no correspondence from Plaintiff regarding this action.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

SIGNED this the **11** day of **February**, 2019.


Thad Heartfield
United States District Judge